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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/681,760	05/31/2001	Sean M. McCullough	VIGN1260-1	6413

25094 7590 01/27/2004

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EXAMINER

PATEL, ASHOKKUMAR B

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 01/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/681,760

**Applicant(s)**

MCCULLOUGH, SEAN M.

**Examiner**

Ashok B. Patel

**Art Unit**

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

**DETAILED ACTION**

1. Application Number 09/681, 760 was filed on 05/31/2001 with priority date of 06/02/2000. Claims 1-18 are subject to examination.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites the limitation "first profile" in line 6. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 8-12, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis et al. (hereinafter Davis)(US 5,796, 952).

**Referring to claims 1, 2 and 3,**

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The reference Davis teaches a tracking program for creating a database (tables) for user profiles. (col.4, lines 19-23). It also teaches that the database can contain client Ids (first identifier for the user), Network Ids (network addresses accessed by the user), and the time spent by the users interfacing with and using particular resources and details of choices created by the users within a particular resource (temporal information related to the user identifier and the network addresses). (col.4, lines 24-33). It also teaches that the tracking program can be implemented for gathering the information to be included in the database about different websites (data including network addresses and corresponding category information) (col. 13, lines 5-18). It also teaches that this information can be included in two distinct databases, one database (second data) which is indexable by resource identity including URL of the web document and resources (data including network addresses and corresponding category information)(col.15, lines 59-67 and col.16 lines 1-4), and a second database (first data) which is indexable by individual clients (col. 16, lines 5-8). It further teaches that these two databases can be combined to a single database indexable by client or resource identity (network addresses). (col.16, lines 7-9). The reference fails to teach to generate a user profile by associating the user with a first profile and in the orders of the columns (creating a table that includes a first column for user identifiers including the first identifier, a second column for the corresponding category information and a third column for the at least some of the temporal information) as claimed, comparing the data for the user within the database (table) to existing profiles, and matching the network addresses that are common to the first and second data. Therefore, it would

have been obvious to one having ordinary skill in the art at the time of invention was made to manipulate the information in the databases (existing profiles) by comparing the data within the table (database), associating the user with a profile and matching (the network addresses) to generate a user profile table (database) that includes a first column for user identifiers including the first identifier, a second column for the corresponding category information and a third column for the at least some of the temporal information such that the database can be queried to permit the server to assemble a web page or target an ad banner based upon the diverse interests of the users as taught by Davis.

**Referring to claim 8,**

The reference Davis fails to teach selling the user profile. However, it teaches that user profile is a valuable tool for advertisers and marketers to determine the effectiveness and value of network-based advertisement and marketing resources. (col. 4, lines 19-23). Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to sell the user profile and generate the income.

**Referring to claim 9,**

The reference teaches that the tracking program (the program for creating a database (tables) for user profiles, can use multiple databases to store and process the information (col.17, lines 59-62). It also teaches that the database can reside on a separate machine (third-party source). (col.17, line66-67 and col.18, line 1-8). Although the reference teaches, in case of creating multiple databases for the user profile, that a database (second data) can include information such as URL of the web document (col.

15, lines 60-66), the reference fails to teach the corresponding category information including meta tags for the network addresses. Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to add meta tags for the network addresses such that the web sites in accordance with the user profile can be linked and presented to the user.

**Referring to claims 10, 11, and 12,**

Claims 10, 11 and 12 are claims to a data processing system readable medium having code embodied therein, the code including instructions executable by a data processing system to cause the data processing system to perform methods of claims 1, 2 and 3. Therefore, claims 10, 11, and 12 are rejected for the reasons set forth in above paragraph for claims 1, 2 and 3.

**Referring to claim 17,**

Claim 17 is claim to a data processing system readable medium having code embodied to perform methods of claim 8. Therefore, claim 17 is rejected for the reasons set forth in above paragraph for claim 8.

**Referring to claim 18,**

Claim 18 is claim to a data processing system readable medium having code embodied to perform methods of claim 9. Therefore, claim 18 is rejected for the reasons set forth in above paragraph for claim 9.

5. Claims 4-7 and 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis et al. (hereinafter Davis)(US 5,796, 952) in view of Thomas (US 6,128,663).

**Referring to claims 4, 5,6 and 7,**

The reference Davis teaches the user profile permitting the server (network access provider) to assemble a web page or target an ad banner based upon the diverse interests of user (selecting a first marketing information regarding an item where in selecting is based at least in part on the user profile; and sending the first marketing information to the user, selecting is performed by a network access provider; and the first marketing information includes a banner advertisement that is to be displayed near a periphery of a view) (col.13, lines 57-67). The reference Davis also teaches that the ad banner can include multiple links to other diverse web sites and means by to order or purchase goods and services. (col. 13, lines 63-67 and col.14, lines 1-46) (at least one of the network addresses corresponds to a network site is owned or controlled by a company that sells the item; and the first marketing information comprises an offer to sell the item.)The reference Davis fails to teach applying the filter before sending the first marketing information. The reference Thomas teaches to apply filter by selecting one of a plurality of available image files (second marketing information and more) for the identified advertisement banner. (col.2, lines 51-63) (selecting comprises selecting the first marketing information and second marketing information; and the method further comprises applying a filter, wherein: the second marketing information is filtered out and the first marketing information passes; and applying the filter is performed before sending.) Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to combine Davis with Thomas. Because the

user profile is a valuable tool for advertisers and marketers to determine the effectiveness and value of network-based advertisement and marketing resources as taught by Davis.

**Referring to claims 13, 14, 15, and 16,**

Claims 13, 14, 15 and 16 are claims to a data processing system readable medium having code embodied to perform methods of claims 4, 5, 6, and 7. Therefore, claims 13, 14, 15 and 16 are rejected for the reasons set forth in above paragraph for claims 4, 5, 6, and 7.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashok B. Patel whose telephone number is (703) 305-2655. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on (703) 305-8498. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Abp:



JOHN FOLLANSBEE  
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